

10-11-01

RECEIVED

OCT 16 2001

TECH CENTER 1600/2900

Applicant: ZOGHBI et al.

§

Atty Docket: P01899US2

Application No.: 09/585,645

§

Customer No. 26271

Filing Date: June 1, 2000

§

Group Art Unit: 1633

Title: Compositions and Methods for the Therapeutic  
Use of an Atonal-Associated Sequence for  
Deafness, Osteoarthritis, and Abnormal Cell  
Proliferation

§

Examiner: C Qian

§

§

§

(09906355 / OTA 99-47)

RECEIVED

NOV 08 2002

TECH CENTER 1600/2900

**RESPONSE TO RESTRICTION REQUIREMENT**  
**AND PRELIMINARY AMENDMENTS**

Commissioner for Patents  
Box Non-Fee Response  
Washington D.C. 20231

*Via U.S. Express Mail #EK102664439US*

Dear Sir:

This is in response to the Office Action mailed September 14, 2001 in the above-referenced application. Applicants submit this response prior to October 14, 2001 in a timely manner.

Applicants herein elect Group IV of the restriction, with traverse, directed to claims 40-50 and 112-119, drawn to a method of generating hair cells and a composition comprising *atonal*-associated nucleic acid sequence.

Applicants herein cancel claims 1-39 and 51-111, but reserve the right to pursue these claims in subsequent prosecution.

Applicants herein submit the following new claims pursuant to Group IV:

120. A fusion protein comprising an *atonal*-associated amino acid sequence or fragment thereof and a desired amino acid sequence.

121. A nucleic acid sequence encoding the fusion protein of claim 120.

A<sup>1</sup>  
122. The method of claim 40, wherein the method comprises delivering an *atonal*-associated nucleic acid sequence and a second nucleic acid sequence encoding a non-*atonal*-associated therapeutic agent.

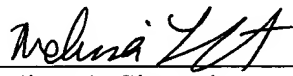
123. The composition of claim 112, wherein the composition further comprises an additional amino acid sequence or nucleic acid sequence that is not an *atonal*-associated nucleic acid sequence or amino acid sequence.

---

Support for new claims 120 and 121 is found, for example, on page 52, lines 5-12. Support for new claims 122 and 123 is found, for example, on page 58, lines 4-10; page 59, line 9 through page 61, line 12; and page 61, lines 15-23.

Applicants assert that no fees are due pursuant to the new claims in light of the cancellation of claims 1-39 and 51-111. If any fees are required, however, or if fees are deficient at any time during the prosecution of this application, please charge them to the standing account of Fulbright & Jaworski L.L.P. 06-2375, under Order No. 09906355.

Respectfully submitted,

  
\_\_\_\_\_  
Melissa L. Sistrunk  
Reg. No. 45,579

Date: Oct. 10, 2001  
Fulbright & Jaworski L.L.P.  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
(713) 651-3735